EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* William R. and Janice M. Mytton
   856 N. Stillwater Rd.
   Absarokee, MT 59001

2. *Type of action:* Application for Beneficial Water Use Permit

3. *Water source name:* Unnamed tributary to Cow Creek

4. *Location affected by project:* T3S, R18E, Section 30.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:* William and Janice Mytton are requesting a beneficial water use permit in order to divert 418 GPM (.93 CFS) up to 172.25 acre-feet per year from unnamed tributary to Cow Creek to use for irrigation on 65 acres. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. *Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)*

Montana Natural Heritage Program	Endangered-Threatened Species
Montana Department of Fish Wildlife & Parks (MFWP)	Dewatered Stream Information
Montana Department of Environmental Quality (MDEQ)	TMDL Information

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity **-** *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No impact

Unnamed tributary to Cow Creek is not on the DFWP list of chronically or periodically dewatered streams.

Water quality **-** *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No impact

Unnamed tributary to Cow Creek is not on the DEQ list of water quality impaired streams. This application is for irrigation. This use should not impair water quality in the unnamed tributary to Cow Creek.

Groundwater **-** *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No Impact

This proposed use of surface water should have no significant impact on groundwater quality or quantity in the area. There may be some recharge to alluvial groundwater.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No Impact.

The proposed diversions will consist of an existing headgate and existing gated pipe. This application is to add acres at the end of an existing gated pipe irrigation system. This diversion should not impact channels, flow, barriers, riparian areas dams, or well construction.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species **-** *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No Impact

The Natural Heritage Program identified the following species of concern within the project area: Great Blue Heron, Black-billied Cuckoo, Pinyon Jay, Cassin's Finch, Great Short-horned Lizard and Yellowstone Cutthroat Trout. There is one plant species of concern, Musk-root, identified within the area of affect. This area is already actively farmed; there should be no new impacts to endangered or threatened species due to this proposed use of water.

Wetlands **-** *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No Impact

The project area is not within a wetland, so there should be no significant impacts to wetlands from this proposed use.

Ponds **-** *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No impact

There are no ponds associated with this water right application.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No Impact

This application is for irrigation on an existing dry land field. The soils in the proposed place of use consist mainly of Work loam with 4 to 8 percent slopes, which is nonsaline to very slightly saline; Work loam with 8 to 15 percent slopes, which is also nonsaline to very slightly saline; and Turner stony clay loam which is nonsaline. There should be no saline seep, or alteration of soil stability from this use of water. Moisture content will be increased by this use of water for irrigation.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No Impact

The project area is already actively farmed, there should be no new establishment or spread of noxious weeds due to this project. The land owner is expected to prevent the establishment or spread of noxious weeds on their property.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No Impact

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal*

Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: NA-project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No Impact

There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No Impact

This proposed use is not inconsistent with locally adopted environmental plans and goals for Stillwater County.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No Impact

The project is located in an area that is already actively farmed; this project should have no new impact on recreational or wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No Impact

There should be no significant impact on human health from this proposed use.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**X**__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* No significant impact.

(b) *Local and state tax base and tax revenues?* No significant impact.

(c) *Existing land uses?* No significant impact.

(d) *Quantity and distribution of employment?* No significant impact.

(e) *Distribution and density of population and housing?* No significant impact.

(f) *Demands for government services?* No significant impact.

(g) *Industrial and commercial activity?* No significant impact.

(h) *Utilities?* No significant impact.

(i) *Transportation?* No significant impact.

(j) *Safety?* No significant impact.

(k) *Other appropriate social and economic circumstances?* No significant impact.

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts None identified.

Cumulative Impacts There are no other pending applications on this source of water.

3. ***Describe any mitigation/stipulation measures:*** There are no mitigation or stipulation measures required.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The proposed activity is reasonable, and is within accepted practices for irrigation water use. The no action alternative would mean that the applicant could not use unnamed tributary of Cow Creek for irrigation.

PART III. Conclusion

1. Preferred Alternative To authorize the beneficial water use permit.

2. Comments and Responses

3. ***Finding:***
   Yes___ No_X_ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified. No EIS required.

Name of person(s) responsible for preparation of EA:

Name: Christine Smith
Title: Water Resources Specialist
Date: May 6, 2014